

1 Bill Lann Lee (SBN 108452)
2 Vincent Cheng (SBN 230827)
3 Lindsay Nako (SBN 239090)
4 Nina Wasow (SBN 242047)
LEWIS, FEINBERG, LEE, RENAKER
& JACKSON, P.C.
1330 Broadway
Suite 1800
Oakland, CA 94612
Telephone: 510-839-6824
Facsimile: 510-839-7839

7 *Additional Attorneys for Plaintiffs
and the Proposed Class on Signature Page*

8 Roman M. Silberfeld (SBN 62783)
9 David Martinez (SBN 193183)
10 Benjamin M. Weiss (SBN 223163)
ROBINS, KAPLAN, MILLER &
CIRESI L.L.P.
11 2049 Century Park East, Suite 3700
Los Angeles, CA 90067-3211
12 Telephone: (310) 552-0130
Facsimile: (310) 229-5800

13 *Attorneys for Defendants Best Buy Co.,
Inc. and Best Buy Stores, L.P.*

15
16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO/OAKLAND DIVISION

19 JASMEN HOLLOWAY, AMY GARCIA,
CHERYL CHAPPEL, ERIC BLACKSHER,
20 JESSICA TREAS, LAWRENCE SANTIAGO,
JR., MUEMBO MUANZA, MAURICE
21 CALHOUN, NICHOLAS DIXON, AND SUSAN
MYERS-SNYDER, on behalf of themselves and
all others similarly situated,

Case No. C-05-5056 PJH (MEJ)

CLASS ACTION

**STIPULATION AND [PROPOSED] ORDER
FOR STREAMLINING DISCOVERY AND
NEW PRODUCTION AND FILING
DEADLINES**

23 Plaintiffs,

24 v.

25 BEST BUY CO., INC., and BEST BUY STORES,
L.P.

26 Defendants.

1 On July 5, 2007, the Court entered the parties' June 29, 2007 proposed stipulation and
2 order extending the deadline for substantial completion of production to and including July 9, 2007, in
3 order to give the parties time to attempt to agree on methods for streamlining document production and
4 discovery and to propose a modified discovery and class certification schedule in light of the massive
5 and higher-than-expected amount of documents responsive to Plaintiffs' document requests. Due to
6 the large number of documents that must still be produced by Best Buy, the parties propose continuing
7 the entire schedule—from document production deadlines to the filing of Plaintiffs' motion for class
8 certification—by five months. (The mediation scheduled at present for October 16, 2007 will not be
9 affected.) Having met, conferred, and reached agreement, the parties stipulate as follows:

10 WHEREAS, at the status conference for this case held on April 13, 2006, this Court set
11 certain dates and deadlines;

12 WHEREAS, Plaintiffs served their First Set of Requests for Production of Documents
13 on March 23, 2006 and Best Buy, after receiving an extension of time, timely responded on May 25,
14 2006;

15 WHEREAS, Plaintiffs have continued to serve additional requests for production,
16 including their Fourth Set of Requests for Production served on September 13, 2006;

17 WHEREAS, due in large part to the volume of documents that must be reviewed and
18 produced by Best Buy, the parties continued certain of the dates set forth at the April 13, 2006 status
19 conference by stipulation and order on October 17, 2006;

20 WHEREAS, the parties further continued certain of the dates set forth in the October
21 17, 2006 stipulation and order by stipulation and order on May 14, 2007;

22 WHEREAS, the May 14, 2007 stipulation and order continued the date by which Best
23 Buy's production of documents responsive to Plaintiffs' First and Fourth Sets of Requests for
24 Production was to be substantially complete from April 30, 2007 to June 30, 2007;

25 WHEREAS, the parties informed the Court in the May 14, 2007 stipulation and order
26 that they would endeavor to adhere to the remainder of the October 17, 2006 scheduling order
27 regarding completion of 30(b)(6) depositions, the designation and discovery of experts, and the

1 briefing and hearing on class certification, but might need to request a continuation of these dates as
2 well if the volume of documents and/or witness schedules did not permit completion of the 30(6)(b)
3 depositions by August 2007;

4 WHEREAS, Best Buy represents that it has already reviewed over 62 million pages of
5 documents and produced almost 8.5 million pages responsive to Plaintiffs' document requests;

6 WHEREAS, Best Buy represents that it has assigned a team of over 60 lawyers and
7 paralegals to identify, amass, manage, review, and produce responsive paper and electronic documents
8 from over 750 stores, 57 districts, and 8 territories, and its corporate headquarters going back to
9 January 1, 2001;

10 WHEREAS, Best Buy represents that over 50 million pages of documents potentially
11 responsive to Plaintiffs' requests remain to be reviewed;

12 WHEREAS, Best Buy has informed Plaintiffs that, due to the sheer breadth and volume
13 of documents that must still be reviewed and produced, it will be unable to substantially complete
14 production of documents responsive to Plaintiffs' First and Fourth Sets of Requests for Production of
15 Documents by June 30, 2007, as set forth in the May 14, 2007 stipulation and order;

16 WHEREAS, Best Buy has informed Plaintiffs that it will require five additional months
17 to complete production of responsive documents;

18 WHEREAS, any continuation of Best Buy's deadline for the completion of document
19 production will necessitate a corresponding continuance of other dates set forth in the October 17,
20 2006 and May 14, 2007 stipulations and orders, including the deadlines for Plaintiffs' motion to seek
21 leave to amend the complaint, the service of expert reports, and the filing of Plaintiffs' class
22 certification brief;

23 WHEREAS, on June 27, 2007, the Court signed the parties' stipulation continuing the
24 mediation in this case from June 20-21, 2007 to October 16, 2007;

25 WHEREAS, the parties intend to complete as much discovery as possible prior to the
26 October mediation date so that the mediation session can be productive;

27 WHEREAS, the parties have met, conferred, and reached agreement as to methods for
28

1 streamlining the remaining discovery so as to move the case forward expeditiously and be prepared for
2 the October 2007 mediation;

3 WHEREAS, the parties have also reached agreement on the procedures for streamlining
4 the remaining discovery, as well as on the time period needed for Best Buy to complete its document
5 production and the corresponding continuance of dates that are contingent on Best Buy's completion of
6 document production, including the deadlines for Plaintiffs' motion to seek leave to amend the
7 complaint, service of expert reports, and Plaintiffs' motion for class certification.

8 THEREFORE, the parties hereby stipulate and agree, and request that the Court order,
9 that:

10 1. The parties make best efforts to follow the following procedures in order to streamline
11 discovery:

12 a. Best Buy shall produce documents in response to discovery on a rolling basis at
13 least once a week at an even rate such that the bulk of production does not occur
14 during the last month of the production period;

15 b. For each document produced, Best Buy shall either identify the discovery
16 request to which the document is responsive or, when such information is
17 ascertainable, provide the name of the actual custodian and the file/folder name
18 in which the document was maintained in the normal course of business;

19 c. Best Buy shall produce documents related to a Rule 30(b)(6) deposition at least
20 four weeks before the confirmed date of such deposition.

21 2. The parties make best efforts to follow the following procedures in order to make the
22 October 16, 2007 mediation productive:

23 a. The parties shall streamline the production of electronic application data and
24 documents from the third party Unicru, and Plaintiffs and Best Buy shall receive
25 the Unicru data and documents no later than September 4, 2007, either by
26 subpoena or by agreement by Unicru.

1 b. Best Buy shall update through June 30, 2007 its production of Oracle payroll
2 data no later than August 15, 2007.

3 3. The June 30, 2007 deadline for Best Buy to substantially complete production of
4 documents responsive to Plaintiffs' First and Fourth Sets of Request for Production of
5 Documents be extended to November 30, 2007.

6 4. The August 31, 2007 deadline for Best Buy to make witnesses available for Rule
7 30(b)(6) depositions be extended to January 31, 2008. Best Buy shall make witnesses
8 available for the following deposition topics no later than September 7, 2007:
9 Compensation, Promotions, Hiring and Initial Job Assignments, Job Opening System
10 ("JOS"), and Segmentation.

11 5. The August 13, 2007 deadline for Plaintiffs to file any motion seeking leave to amend
12 the complaint for any reason other than the addition of new named plaintiffs be
13 extended to January 31, 2008.

14 6. The October 1, 2007 deadline for Plaintiffs' Expert Designations and Reports be
15 extended to March 3, 2008.

16 7. The December 3, 2007 deadline for Defendants' Expert Designations and Reports be
17 extended to May 1, 2008.

18 8. The January 14, 2008 deadline for Plaintiffs' Rebuttal Expert Reports be extended to
19 June 2, 2008.

20 9. The February 15, 2008 deadline for Defendants Rebuttal Expert Reports be extended to
21 July 2, 2008.

22 10. The March 12, 2008 deadline for Plaintiffs' Motion for Class Certification be extended
23 to July 30, 2008.

24 11. The May 7, 2008 deadline for Defendants' Opposition to Plaintiffs' Motion for Class
25 Certification be extended to September 24, 2008.

26 12. The June 4, 2008 deadline for Plaintiffs' Reply Brief in Support of Class Certification
27 be extended to October 22, 2008.

28

13. The June 25, 2008 date for the hearing on Plaintiffs' Motion for Class Certification be continued until November 12, 2008 or such date as the Court finds convenient.

The parties hereby stipulate, and request that the Court so order.

DATED: July 9, 2007

**LEWIS, FEINBERG, LEE, RENAKER
& JACKSON, P.C.**

By: _____ /s/
Bill Lann Lee

Bill Lann Lee (SBN 108452)
Vincent Cheng (SBN 230827)
Lindsay Nako (SBN 239090)
Nina Wasow (SBN 242047)
1330 Broadway
Suite 1800
Oakland, CA 94612
Telephone: 510-839-6824
Facsimile: 510-839-7839

Todd M. Schneider (SBN 158253)
Guy B. Wallace (SBN 176151)
Joshua G. Konecky (SBN 182897)
Clint J. Brayton (SBN 192214)
W.H. "Hank" Willson IV (SBN 233321)
SCHNEIDER & WALLACE
180 Montgomery Street, Suite 2000
San Francisco, CA 94104
Telephone: (415) 421-7100
Facsimile: (415) 421-7105

Eve H. Cervantez (SBN 164709)
Katherine Pollack (SBN 243500)
ALTSHULER BERZON LLP
177 Post St., Suite 300
San Francisco, CA 94108
Telephone: 415-421-7151
Facsimile: 415-362-8064

Kelly M. Dermody (SBN 171716)
Daniel M. Hutchinson (SBN 239458)
LIEFF, CABRASER, HEIMANN
& BERNSTEIN, LLP
Embarcadero Center West
275 Battery Street, 30th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

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2
3 Attorneys for Plaintiffs
4

5 DATED: July 9, 2007
6

7 ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
8

9 By: _____ /s/
10 Roman M. Silberfeld
11

12 Roman M. Silberfeld, Bar No. 62783
13 David Martinez, Bar No. 193183
14 Benjamin M. Weiss, Bar No. 223163
15 ROBINS, KAPLAN, MILLER &
16 CIRESI L.L.P.
17 2049 Century Park East, Suite 3700
18 Los Angeles, CA 90067-3211
19 Telephone: (310) 552-0130
20 Facsimile: (310) 229-5800
21

22 Attorneys for Defendants BEST BUY CO., INC.
23 and BEST BUY STORES, L.P.
24

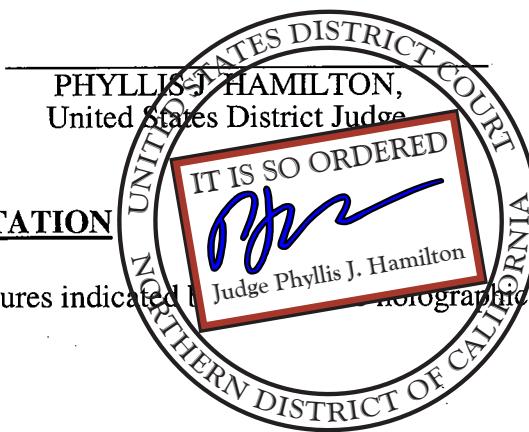
25 **[PROPOSED] ORDER**
26

27 Pursuant to Stipulation, it is so ORDERED, THIS IS THE FINAL CONTINUANCE
28 PRE-CLASS CERTIFICATION.

29 DATED: 7/12/07
30

31 **ATTESTATION**
32

33 I hereby certify that for all conformed signatures indicated
34 by _____
35 signatures on file.
36



37 DATED: July 9, 2007
38

39 By: _____ /s/
40 Bill Lann Lee
41

42 Bill Lann Lee (SBN 108452)
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5 1330 Broadway
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9 Facsimile: 510-839-7839
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